

**AMENDMENT TO H.R. 2432, AS REPORTED
OFFERED BY MR. WAXMAN OF CALIFORNIA AND
MR. TIERNEY OF MASSACHUSETTS**

Add at the end the following new title:

1 **TITLE II—COMMISSION ON**
2 **POLITICIZATION OF SCIENCE**
3 **IN THE REGULATORY PROC-**
4 **ESS**

5 **SEC. 201. ESTABLISHMENT OF COMMISSION.**

6 There is established in the legislative branch the
7 Independent Commission on Politicization of Science in
8 the Regulatory Process (in this Act referred to as the
9 “Commission”).

10 **SEC. 202. DUTIES.**

11 The Commission shall carry out the following duties:

12 (1) Examine and evaluate executive branch reg-
13 ulatory activities and associated decisions to deter-
14 mine the extent to which political considerations
15 have undermined the quality and use of science. As
16 part of this examination and evaluation, the Com-
17 mission shall consider the regulatory activities and
18 associated decisions listed in—

19 (A) “Politics and Science in the Bush Ad-
20 ministration,” an August 2003 report prepared

1 by the minority staff of the Committee on Gov-
2 ernment Reform of the House of Representa-
3 tives; and

4 (B) “Scientific Integrity in Policymaking,”
5 a March 2004 report prepared by the Union of
6 Concerned Scientists, which was accompanied
7 by a statement of concern signed by 20 Nobel
8 Laureates and other distinguished scientists.

9 (2) Report to Congress and the President on its
10 findings and conclusions, as well as make rec-
11 ommendations to Congress and the President on
12 measures that can be taken to enhance the integrity
13 of science in executive branch regulatory activities
14 and associated decisions.

15 **SEC. 203. COMPOSITION OF COMMISSION.**

16 (a) MEMBERS.—The Commission shall be composed
17 of 10 members, of whom—

18 (1) 1 member shall be appointed by the Presi-
19 dent, who shall serve as chairman of the Commis-
20 sion;

21 (2) 1 member shall be jointly appointed by the
22 minority leader of the Senate and the minority lead-
23 er of the House of Representatives, who shall serve
24 as vice chairman of the Commission;

1 (3) 2 members shall be appointed by the major-
2 ity leader of the Senate;

3 (4) 2 members shall be appointed by the Speak-
4 er of the House of Representatives;

5 (5) 2 members shall be appointed by the minor-
6 ity leader of the Senate; and

7 (6) 2 members shall be appointed by the minor-
8 ity leader of the House of Representatives.

9 (b) QUALIFICATIONS; INITIAL MEETING.—

10 (1) NONGOVERNMENTAL APPOINTEES.—An in-
11 dividual appointed to the Commission may not be an
12 officer or employee of the Federal Government or
13 any State or local government.

14 (2) OTHER QUALIFICATIONS.—Individuals that
15 shall be appointed to the Commission should be
16 prominent United States citizens, with national rec-
17 ognition and significant depth of experience in sci-
18 entific professions, governmental service, and public
19 administration.

20 (3) DEADLINE FOR APPOINTMENT.—All mem-
21 bers of the Commission shall be appointed within 45
22 days following the enactment of this Act.

23 (4) MEETINGS.—The Commission shall meet
24 and begin the operations of the Commission as soon
25 as practicable. After its initial meeting, the Commis-

1 sion shall meet upon the call of the chairman or a
2 majority of its members.

3 (c) QUORUM; VACANCIES.—Six members of the Com-
4 mission shall constitute a quorum. Any vacancy in the
5 Commission shall not affect its powers, but shall be filled
6 in the same manner in which the original appointment was
7 made.

8 (d) CONFLICTS OF INTEREST.—Each member ap-
9 pointed to the Commission shall submit a financial disclo-
10 sure report pursuant to the Ethics in Government Act of
11 1978, notwithstanding the minimum required rate of com-
12 pensation or time period employed.

13 **SEC. 204. POWERS OF COMMISSION.**

14 (a) HEARINGS AND EVIDENCE.—The Commission or,
15 on the authority of the Commission, any subcommittee or
16 member thereof, may, for the purpose of carrying out this
17 title, hold such hearings and sit and act at such times
18 and places, take such testimony, receive such evidence,
19 and administer such oaths as the Commission or such des-
20 ignated subcommittee or designated member may deter-
21 mine advisable.

22 (b) CONTRACTING.—The Commission may, to such
23 extent and in such amounts as are provided in appropria-
24 tion Acts, enter into contracts to enable the Commission
25 to discharge its duties of this Act.

1 (c) INFORMATION FROM FEDERAL AGENCIES.—

2 (1) IN GENERAL.—The Commission may secure
3 directly from any executive department, bureau,
4 agency, board, commission, office, independent es-
5 tablishment, or instrumentality of the Federal Gov-
6 ernment, information, suggestions, estimates, and
7 statistics for the purposes of this Act. Each depart-
8 ment, bureau, agency, board, commission, office,
9 independent establishment, or instrumentality shall,
10 to the extent authorized by law, furnish such infor-
11 mation, suggestions, estimates, and statistics di-
12 rectly to the Commission, upon request made by the
13 chairman, the chairman of any subcommittee cre-
14 ated by a majority of the Commission, or any mem-
15 ber designated by a majority of the Commission.

16 (2) RECEIPT, HANDLING, STORAGE, AND DIS-
17 SEMINATION.—Information shall only be received,
18 handled, stored, and disseminated by members of
19 the Commission and its staff consistent with all ap-
20 plicable statutes, regulations, and Executive Orders.

21 (d) ASSISTANCE FROM FEDERAL AGENCIES.—

22 (1) GENERAL SERVICES ADMINISTRATION.—
23 The Administrator of General Services shall provide
24 to the Commission on a reimbursable basis adminis-

1 trative support and other services for the perform-
2 ance of the Commission's functions.

3 (2) OTHER DEPARTMENTS AND AGENCIES.—In
4 addition to the assistance prescribed in paragraph
5 (1), departments and agencies of the United States
6 may provide to the Commission such services, funds,
7 facilities, staff, and other support services as they
8 may determine advisable and as may be authorized
9 by law.

10 (e) GIFTS.—The Commission may accept, use, and
11 dispose of gifts or donations of services or property.

12 (f) POSTAL SERVICES.—The Commission may use
13 the United States mails in the same manner and under
14 the same conditions as departments and agencies of the
15 United States.

16 **SEC. 205. STAFF OF COMMISSION.**

17 (a) IN GENERAL.—

18 (1) APPOINTMENT AND COMPENSATION.—The
19 chairman, in consultation with vice chairman, in ac-
20 cordance with rules agreed upon by the Commission,
21 may appoint and fix the compensation of a staff di-
22 rector and such other personnel as may be necessary
23 to enable the Commission to carry out its functions,
24 without regard to the provisions of title 5, United
25 States Code, governing appointments in the competi-

1 tive service, and without regard to the provisions of
2 chapter 51 and subchapter III of chapter 53 of such
3 title relating to classification and General Schedule
4 pay rates, except that no rate of pay fixed under this
5 subsection may exceed the equivalent of that payable
6 for a position at level V of the Executive Schedule
7 under section 5316 of title 5, United States Code.

8 (2) PERSONNEL AS FEDERAL EMPLOYEES.—

9 (A) IN GENERAL.—The staff director and
10 any personnel of the Commission who are em-
11 ployees shall be employees under section 2105
12 of title 5, United States Code, for purposes of
13 chapters 63, 81, 83, 84, 85, 87, 89, and 90 of
14 that title.

15 (B) MEMBERS OF COMMISSION.—Subpara-
16 graph (A) shall not be construed to apply to
17 members of the Commission.

18 (b) DETAILEES.—Any Federal Government employee
19 may be detailed to the Commission without reimbursement
20 from the Commission, and such detailee shall retain the
21 rights, status, and privileges of his or her regular employ-
22 ment without interruption.

23 (c) CONSULTANT SERVICES.—The Commission is au-
24 thorized to procure the services of experts and consultants
25 in accordance with section 3109 of title 5, United States

1 Code, but at rates not to exceed the daily rate paid a per-
2 son occupying a position at level IV of the Executive
3 Schedule under section 5315 of title 5, United States
4 Code.

5 **SEC. 206. COMPENSATION AND TRAVEL EXPENSES.**

6 (a) COMPENSATION.—Each member of the Commis-
7 sion may be compensated at a rate not to exceed the daily
8 equivalent of the annual rate of basic pay in effect for
9 a position at level IV of the Executive Schedule under sec-
10 tion 5315 of title 5, United States Code, for each day dur-
11 ing which that member is engaged in the actual perform-
12 ance of the duties of the Commission.

13 (b) TRAVEL EXPENSES.—While away from their
14 homes or regular places of business in the performance
15 of services for the Commission, members of the Commis-
16 sion shall be allowed travel expenses, including per diem
17 in lieu of subsistence, in the same manner as persons em-
18 ployed intermittently in the Government service are al-
19 lowed expenses under section 5703(b) of title 5, United
20 States Code.

21 **SEC. 207. REPORTS OF COMMISSION; TERMINATION.**

22 (a) INTERIM REPORTS.—The Commission may sub-
23 mit to Congress and the President interim reports con-
24 taining such findings, conclusions, and recommendations

1 for corrective measures as have been agreed to by a major-
2 ity of Commission members.

3 (b) FINAL REPORT.—Not later than 18 months after
4 the date of the enactment of this Act, the Commission
5 shall submit to Congress and the President a final report
6 containing such findings, conclusions, and recommenda-
7 tions for corrective measures as have been agreed to by
8 a majority of Commission members.

9 **SEC. 208. TERMINATION.**

10 (a) IN GENERAL.—The Commission, and all the au-
11 thorities of this Act, shall terminate 60 days after the date
12 on which the final report is submitted under subsection
13 (b).

14 (b) ADMINISTRATIVE ACTIVITIES BEFORE TERMI-
15 NATION.—The Commission may use the 60-day period re-
16 ferred to in paragraph (1) for the purpose of concluding
17 its activities, including providing testimony to committees
18 of Congress concerning its reports and disseminating the
19 final report.

20 **SEC. 209. FUNDING.**

21 (a) AUTHORIZATION OF APPROPRIATIONS.—There is
22 authorized to be appropriated funds not to exceed
23 \$5,000,000 for purposes of the activities of the Commis-
24 sion under this Act.

1 (b) DURATION OF AVAILABILITY.—Amounts made
2 available to the Commission under subsection (a) shall re-
3 main available until the termination of the Commission.

At the end of section 2, insert the following:

4 **TITLE I—AMENDMENTS RELAT-**
5 **ING TO PAPERWORK REDUC-**
6 **TION**

Redesignate sections 3, 4, 5, and 6 as sections 101,
102, 103, and 104, respectively.